

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 PATRICK DOOLEY,

14 Defendant.

CASE NO. CR 11-252 MJP

ORDER ON MOTIONS

15
16 The Court, having received and reviewed:

- 17 1. Defendant's Motion for Bill of Particulars (Dkt. No. 20), Government's Response
18 (Dkt. No. 28) and Defendant's Reply (Dkt. No. 34)
- 19 2. Defendant's Motion to Compel Election of Counts (Dkt. No. 21), Government's
20 Response (Dkt. No. 33) and Defendant's Reply (Dkt. No. 35)
- 21 3. Defendant's Motion to Sever Counts and for Separate Trials (Dkt. No. 24) and
22 Government's Response (Dkt. No. 32)
- 23 4. Government's Motion in Limine to Exclude Evidence and Argument Related to
24 Victim's Medical History (Dkt. No. 23)


5. Government's Consolidated Motions in Limine (Dkt. No. 26) and Defendant's Response (Dkt. No. 29)

and all attached declarations and exhibits, makes the following rulings on the motions:

1. Defendant's motion for a bill of particulars is STRICKEN upon Defendant's request.
2. Defendant's motion to compel an election of counts is DENIED.
3. Defendant's motion for severance and for separate trials is DENIED.
4. The Government's motion to exclude evidence and argument relating to the victim's medical history is GRANTED; the Court will permit testimony limited to the facts that the victim had been diagnosed with ADHD and took medication for that disorder.
5. The Government's consolidated motion in limine:
 - a. To exclude argument regarding ignorance of the law: GRANTED
 - b. To exclude argument related to Defendant's good faith: DENIED
 - c. To exclude argument concerning environmental harm: GRANTED
 - d. To exclude argument concerning the *de minimis* nature of the quantity of pollutants: GRANTED.

The clerk is ordered to provide copies of this order to all counsel.

Dated January 23, 2012.


Marsha J. Pechman
United States District Judge